REMARKS

This Amendment is in response to the Final Action mailed on February 6, 2008. Reconsideration of this application is respectfully requested.

Claim Amendments Limit Issues And Place Application In Better Condition For Appeal

Applicants have extensively amended the claims to place them in better condition for appeal and to limit the patentability issues for appeal. Numerous independent and dependent claims have been canceled without disclaimer or prejudice, and remaining independent claims 1 and 17 have been amended to include limitations from previously examined and now canceled dependent claims. Specifically, claim 1 has been amended to include the subject matter of (now canceled) dependent claims 6, 10 and 31-34, and claim 17 has been amended to include the subject matter of (now canceled) dependent claim 19. Because the claim amendments merely place limitations from previously examined dependent claims into remaining independent claims 1 and 17, they do not raise new issues or require additional searching. The amendments are therefore proper and should be entered after final rejection.

Prior Art Rejections

1. The Final Action rejected claims 1, 3-5, 7-9, 11, 12, 15, 16, 26-29, 36, 37, 41-46, 83, 85-87, 89-91, 93, 94, 97 and 98 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,099,502 to Duchon et al. ("Duchon"). This rejection is now moot based on the above claims amendments.

Independent claim 1 has been amended to include the limitations of (now canceled) dependent claims 6, 10 and 31-34. Specifically, claim 1 includes significant limitations relating to the "drip chamber" and the "fluid level sensing mechanism." As acknowledged by the Final Action (on page 3 thereof), the Duchon patent does not teach a drip chamber.

2. The Final Action rejected claims 6, 10, 17-20, 30-35, 40, 88 and 92 under 35 U.S.C. 103(a) as being obvious over Duchon in view of U.S. Patent No. 5,057,081 to Sunderland ("Sunderland"). This rejection is respectfully traversed.

Independent claims 1 and 17 specify, *inter alia*, a drip chamber comprising **a body having a projection** that extends longitudinally along the **drip chamber body** . . . and a drip chamber support . . . adapted to support the **drip chamber body** such that the **projection is in operational contact with the fluid level sensor** for sensing the injection fluid level in the drip chamber.

Contrary to the Response to Arguments set forth on page 4 of the Final Action, the Sunderland patent does **not** disclose a projection 50 that **extends longitudinally along the drip chamber body**, as specified in claims 1 and 17. Rather, as admitted in the same sentence on page 4 of the Final Action, the "projection 50" is an "annular rim 50" of the drip chamber in the Sunderland patent. Specifically, as disclosed in the Sunderland patent, the "annular rim 50 is formed as part of the cap member 47 and is located **along the top surface of the tapered member 46** [of the drip chamber assembly 42]." (See Fig. 1 and col. 6, lines 6-11, of the Sunderland patent.) As disclosed and claimed in this application, the drip chamber (1716) comprises a body (1734) having a projection (1740) that extends longitudinally along the body (1734). (See Fig. 11 and page 15, paragraph 0174 of the published application.)

Further, the Final Action stated (in the Response to Arguments on page 4 thereof) that "Applicant does not claim the projection is adjacent to sensors or that the sensor acts on the projection." Applicants submit that this statement is inaccurate because the prior (and current) version of claim 17 and (now canceled) dependent claim 34 (now included in claim 1) specify that the projection is in "contact" with the fluid level sensor. In order to "contact" the fluid level sensor, Applicants submit that the "projection" must be "adjacent" to the sensor or that the sensor "acts" on the projection. As tacitly acknowledged by the Final Action, this claim language is significant because the Sunderland patent does not disclose that the annular rim 50 contacts the sensors 43. Rather, as disclosed in the Sunderland patent, the annular rim 50 rests above the sensors 43: "The drop sensing emitters and detectors are aligned to form an optical path which detects drops of fluid immediately after they fall from the bottom end of the top tubular member 48 in the drip chamber assembly 42." (See col. 7, lines 39-43, of the Sunderland patent.) As shown in Fig. 1 of the Sunderland patent, the bottom end of the tubular member 48 is clearly positioned downward from – and thereby not in contact with -- the annular rim 50.

For at least the above reasons, Applicants submit that a combination of the Duchon and Sunderland patents does not render obvious the claimed inventions set forth above, and that the rejection based thereon should be withdrawn.

3. The Final Action rejected claims 13, 14, 38, 39, 95 and 96 under 35 U.S.C. 103(a) as being obvious over Duchon in view of U.S. Patent No. 5,681,294 to Osbourne. This rejection is now moot based on the above claims amendments and the arguments presented above with respect to pending independent claims 1 and 17.

4. The Final Action rejected claims 21, 23, 25, 47-49, 116 and 117 under 35 U.S.C. 103(a) as being obvious over Duchon in view of U.S. Patent No. 4,596,551 to Gollinski. This rejection is now moot based on the above claims amendments and the arguments presented above with respect to pending independent claims 1 and 17.

Conclusion

Applicants' claim amendments have simplified the issues for appeal by substantially reducing the number of pending claims and by leaving only one outstanding prior art rejection based on obviousness. The above claim amendments do not raise new issues nor require additional searching, and are therefore properly entered after final rejection, because they merely include subject matter that was previously examined and presented in (now canceled) dependent claims.

Respectfully submitted,

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